

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

RICHARD OBENAUF,

Plaintiff,

v.

No. 10-CV-1179 WJ-DJS

ENHANCED RECOVERY CORPORATION d/b/a
ENHANCED RECOVERY COMPANY LLC,

Defendant.

Balance Due Upon Writ of Garnishment: \$10,649.75

WRIT OF GARNISHMENT

THE UNITED STATES OF AMERICA to Wells Fargo Bank, N.A., 200 Lomas Boulevard, NW; Albuquerque, New Mexico 87102, Garnishee:

Enhanced Recovery Corporation d/b/a Enhanced Recovery LLC is the judgment debtor and owes the amount set out above to the judgment creditor: Richard Obenauf, c/o Rob Treinen, Treinen Law Office; 500 Tijeras Ave. NW; Albuquerque, NM 87102.

YOU ARE ORDERED to file a written answer with the United States District Court for the District of 333 Lomas Blvd. NW, Albuquerque, New Mexico 87102 within 20 (twenty) days from the day you receive this writ. Your answer must be under oath and on the attached form Answer by Garnishee.

YOU ARE FURTHER ORDERED, as follows:

1. If you owe the judgment debtor any money (other than wages), or become indebted to the judgment debtor before filing your answer, you must keep a sufficient amount of that money to satisfy the judgment and not pay it to the judgment debtor, unless this court enters an order releasing this writ of garnishment.

2. If the judgment debtor is an employee of yours, unless the debt is for child support or spousal support, you shall pay your employee, the judgment debtor, only.
 - A. Seventy-five percent (75%) of the debtor's disposable earnings (salary less social security, federal and state withholdings, and any other deduction required by law) for any pay period; OR
 - B. An amount each week equal to forty (40) times the federal minimum hourly wage rate;

Whichever is greater.

If the debt is for child support or spousal support payments, you shall pay the judgment debtor fifty percent (50%) of the debtor's disposable earnings (salary less social security, federal and state withholding).

If employee's wages or salary are subject to more than one garnishment or wage withholding proceeding, the writs shall be satisfied in the order they have been served on you.

In no event may you withhold from your employee's net disposable earnings more than fifty percent (50%) of the employee's net disposable earnings if one of the writs is for child or spousal support or more than twenty-five (25%) if none of the garnishments is for child or spousal support.

Any wages you owe the employee in excess of that amount or that you may come to owe to the employee in excess of that amount must be kept by you until further order of this court.

3. If you have any property that belongs to the judgment debtor, including any rights, credits, bonds, bills, notes, drafts and other rights to property or money or rights to property or money before filing your answer, you must keep a sufficient amount of that property to satisfy the existing judgment and costs and not turn it over to the judgment debtor unless the court enters

an order releasing the property or money.

4. If you hold property or money belonging to the judgment debtor, within four (4) business days after service of this writ, you are to mail or deliver a copy of this writ and the application for writ provided by the judgement creditor. If you hold property or money of the judgment debtor's other than wages and the debtor is a natural person, you shall also mail or deliver to the judgment debtor, the attached notice of right to claim exemptions and a copy of the attached claim of exemption forms to each person identified as a judgment debtor. You shall also send or deliver a copy of your answer to this writ to the judgment debtor and to the judgment creditor.

THIS IS A COURT ORDER. If you fail to file the answer, or if you disobey any of these orders, a judgment may be entered against you for the full amount of the unpaid judgment in this case.

JUN 13 2011

D Wheeler
Judge or Clerk
Deputy

RETURN

STATE OF NEW MEXICO)
COUNTY OF Bernalillo)

RETURN FOR COMPLETION BY SHERIFF OR DEPUTY:

I certify that I served this writ in said county on the _____ day of _____, 2008, by delivering a copy of the writ, a copy of the application for writ, a copy of a form for answer by garnishee, a copy of the notice of right to claim exemption form for each judgment debtor to _____ garnishee.

(For garnishment of wages, serve only copies of the application for writ of garnishment, writ of garnishment and answer form. For garnishment other than wages, if the judgment debtor is a natural person, serve the application for writ of garnishment, the writ of garnishment, a copy of the notice of right to claim exemptions, a copy of the claim of exemption form and a copy of the answer by garnishee. Judgment debtors who are not natural persons are not entitled to garnishment exemptions.)

By _____

Name

Title

SHERIFF OF _____
COUNTY, State of New Mexico
By _____
Deputy _____

RETURN FOR COMPLETION BY OTHER PERSON MAKING SERVICE:

I, being duly sworn, on oath, say that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this writ in said county on the 14th day of April, 2008, by delivering a copy of the writ, a copy of the application for write, a copy of a form for answer by garnishee, a copy of a notice of right to claim exemption form for each judgment debtor to :
Wells Fargo, garnishee.

By Daimen Welker
Name

Service Manager
Title


Signature of private person making
Service

Subscribed and sworn to before me this
14th day of June, 2008.

My commission expires: 09/24/13


Judge, notary or other officer authorized
to administer oaths.

Title: Notary